

“(II) a finding of no significant impact; or
 “(III) a categorical exclusion under this title.

“(7) PROJECT SPONSOR.—The term ‘project sponsor’ means a Federal agency or other entity, including a private or public-private entity, that seeks approval of a covered project.

“(b) APPLICABLE TIMELINES.—

“(1) NEPA PROCESS.—

“(A) IN GENERAL.—The head of a Federal agency shall complete the NEPA process for a covered project under the jurisdiction of the Federal agency, as described in subsection (a)(6)(B)(ii), not later than 2 years after the date described in subsection (a)(6)(B)(i).

“(B) ENVIRONMENTAL DOCUMENTS.—Within the period described in subparagraph (A), not later than 1 year after the date described in subsection (a)(6)(B)(i), the head of the Federal agency shall, with respect to the covered project—

“(i) issue—

“(I) a finding that a categorical exclusion applies to the covered project; or

“(II) a finding of no significant impact; or

“(ii) publish a notice of intent to prepare an environmental impact statement in the Federal Register.

“(C) ENVIRONMENTAL IMPACT STATEMENT.—

If the head of a Federal agency publishes a notice of intent described in subparagraph (B)(ii), within the period described in subparagraph (A) and not later than 1 year after the date on which the head of the Federal agency publishes the notice of intent, the head of the Federal agency shall complete the environmental impact statement and, if necessary, any supplemental environmental impact statement for the covered project.

“(2) AUTHORIZATIONS AND PERMITS.—

“(A) IN GENERAL.—Not later than 90 days after the date described in subsection (a)(4)(B)(ii), the head of a Federal agency shall issue—

“(i) any necessary permit or authorization to carry out the covered project; or

“(ii) a denial of the permit or authorization necessary to carry out the covered project.

“(B) EFFECT OF FAILURE TO ISSUE AUTHORIZATION OR PERMIT.—If a permit or authorization described in subparagraph (A) is not issued or denied within the period described in that subparagraph, the permit or authorization shall be considered to be approved.

“(C) DENIAL OF PERMIT OR AUTHORIZATION.—

“(i) IN GENERAL.—If a permit or authorization described in subparagraph (A) is denied, the head of the Federal agency shall describe to the project sponsor—

“(I) the basis of the denial; and

“(II) recommendations for the project sponsor with respect to how to address the reasons for the denial.

“(ii) RECOMMENDED CHANGES.—If the project sponsor carries out the recommendations of the head of the Federal agency under clause (i)(II) and notifies the head of the Federal agency that the recommendations have been carried out, the head of the Federal agency—

“(I) shall decide whether to issue the permit or authorization described in subparagraph (A) not later than 90 days after the date on which the project sponsor submitted the notification; and

“(II) shall not carry out the NEPA process with respect to the covered project again.”.

SA 2276. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr.

TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 999B of the Energy Policy Act of 2005 (as added by section 40304(a)), strike subsection (e).

In section 999B of the Energy Policy Act of 2005 (as added by section 40304(a)), redesignate subsections (f) and (g) as subsections (e) and (f), respectively.

SA 2277. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

In section 40201(e), strike paragraph (3) and insert the following:

(3) PRIORITIES.—In carrying out paragraph (1), the Initiative shall prioritize—

(A) with regard to minerals, mineralization, and mineral deposits, mapping and assessing critical minerals; and

(B) mapping and the review of data relating to land that is subject to an administrative withdrawal from mineral development.

SA 2278. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 40105 of subtitle A of title I of division D.

SA 2279. Mr. LEE submitted an amendment intended to be proposed to amendment SA 2137 proposed by Mr. SCHUMER (for Ms. SINEMA (for herself, Mr. PORTMAN, Mr. MANCHIN, Mr. CASIDY, Mrs. SHAHEEN, Ms. COLLINS, Mr. TESTER, Ms. MURKOWSKI, Mr. WARNER, and Mr. ROMNEY)) to the bill H.R. 3684, to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes; which was ordered to lie on the table; as follows:

At the end of division E, add the following:

TITLE —PROJECT DELIVERY PROGRAM FOR WATER STORAGE INFRASTRUCTURE PROJECTS

SEC. —. PROJECT DELIVERY PROGRAM FOR WATER STORAGE INFRASTRUCTURE PROJECTS.

Title I of the National Environmental Policy Act of 1969 is amended—

(1) by redesignating section 105 (42 U.S.C. 4335) as section 106; and

(2) by inserting after section 104 (42 U.S.C. 4334) the following:

“SEC. 105. PROJECT DELIVERY PROGRAM FOR WATER STORAGE INFRASTRUCTURE PROJECTS.

“(a) DEFINITIONS.—In this section:

“(1) AGENCY PROGRAM.—The term ‘agency program’ means a project delivery program established by the Secretary under subsection (b)(1).

“(2) COVERED PROJECT.—The term ‘covered project’ means a water storage infrastructure project that includes related transmission infrastructure and other associated infrastructure components.

“(3) DEPARTMENT.—The term ‘Department’ means the Department of the Interior.

“(4) SECRETARY.—The term ‘Secretary’ means the Secretary of the Interior.

“(b) ESTABLISHMENT.—

“(1) IN GENERAL.—The Secretary shall carry out a project delivery program for covered projects.

“(2) ASSUMPTION OF RESPONSIBILITY.—

“(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall, on request of a State, enter into a written agreement with the State, which may be in the form of a memorandum of understanding, in which the Secretary may assign, and the State may assume, the responsibilities of the Secretary under this title with respect to 1 or more covered projects within the State that are under the jurisdiction of the Department.

“(B) EXCEPTION.—The Secretary shall not enter into a written agreement under subparagraph (A) if the Secretary determines that the State is not in compliance with the requirements described in subsection (c)(4).

“(C) ADDITIONAL RESPONSIBILITY.—If a State assumes responsibility under subparagraph (A)—

“(i) the Secretary may assign to the State, and the State may assume, all or part of the responsibilities of the Secretary for environmental review, consultation, or other action required under any Federal environmental law pertaining to the review or approval of a specific covered project;

“(ii) at the request of the State, the Secretary may also assign to the State, and the State may assume, the responsibilities of the Secretary under this title with respect to 1 or more covered projects within the State that are under the jurisdiction of the Department; but

“(iii) the Secretary may not assign responsibility for any conformity determination required under section 176 of the Clean Air Act (42 U.S.C. 7506).

“(D) PROCEDURAL AND SUBSTANTIVE REQUIREMENTS.—A State shall assume responsibility under this section subject to the same procedural and substantive requirements as would apply if that responsibility were carried out by the Department.

“(E) FEDERAL RESPONSIBILITY.—Any responsibility of the Department not explicitly assumed by the State by written agreement under subparagraph (A) shall remain the responsibility of the Department.

“(F) NO EFFECT ON AUTHORITY.—Nothing in this section preempts or interferes with any power, jurisdiction, responsibility, or authority of an agency, other than Department, under applicable law (including regulations) with respect to a covered project.

“(G) PRESERVATION OF FLEXIBILITY.—The Secretary may not require a State, as a condition of participation in the agency program of the Department, to forego project delivery methods that are otherwise permissible for covered projects under applicable law.

“(H) LEGAL FEES.—A State assuming the responsibilities of the Department under this section for a specific covered project may use funds awarded to the State for that